

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
The Use of N11 Codes and Other) CC Docket No. 92-105
Abbreviated Dialing Arrangements)

REPLY COMMENTS OF THE NYNEX TELEPHONE COMPANIES

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I. INTRODUCTION

The NYNEX Telephone Companies ("NTCs" or "NYNEX") file these replies to issues raised in comments filed June 5, 1992 in response to the Notice of Proposed Rulemaking ("NPRM" or "Notice") in the docket referenced above.¹ In the Notice, the Federal Communications Commission ("FCC" or "Commission") tentatively found that there exists "no legal or regulatory impediment to assignment of N11 codes" and proposed to require local exchange carriers ("LECs") to assign three-digit N11 codes to enhanced service providers for "local pay per call type information services."² A majority of the commenters who participated in this proceeding, including NYNEX, opposed the rules the FCC proposes in this docket.³

1 A list of commenters is attached as Appendix A.

2 In the Matter of the use of N11 codes and other Abbreviated Dialing Arrangements, Notice of Proposed Rulemaking, CC Docket No. 92-105, released May 6, 1992 ("NPRM" or "Notice") at ¶ 3.

3 See, e.g., comments filed by NYNEX, ATU, NTCA, PRTC, Rochester, MFS, AT&T, BTNA, IIA, APCC, ITAA, Ameritech, Pacific, SWBT, USWC, Centel and GTE.

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After reviewing all the comments filed, NYNEX continues to hold the view that the proposed rules are fundamentally flawed. Indeed, any arrangement that allocates limited N11 abbreviated dialing resources to a small number of information providers certainly could provide an unfair competitive advantage to that small number of information providers. Furthermore, the NTCs believe that assignment of N11 codes to information service providers, including those affiliated with LECs, does not serve the public interest. Instead of the Commission's proposal, we believe that N11 codes should be reserved for uses that serve the greater public interest, such as 411 and 911.⁴ For example, an N11 code could be used to provide access to three digit dialing for Telecommunication Relay Services (TRS) thus making such services more readily available to people who have hearing or speech disabilities.⁵

The reply comments that follow are restricted to two issues of particular concern raised in the comments.

⁴ Support for this position is found in pleadings filed by Ameritech, SNET, Pacific and USWC.

⁵ As stated by the FCC in its Report and Order (R&O) and Request for Comments, CC Docket 90-571, (July 26, 1991), "We encourage state systems and all other relay providers to use numbers that are easy to remember and would further the goal of nationwide access to TRS." R&O at 20, ¶ 42.

II. THE FCC SHOULD REJECT AS PREMATURE PROPOSALS THAT WOULD REQUIRE THE DEPLOYMENT OF NEW TECHNOLOGIES

In comments filed in response to the NPRM, Bell Atlantic suggested that the Commission rely on advanced intelligent network (AIN) technology to facilitate abbreviated dialing and to address the scarcity of available N11 codes.⁶ Bell Atlantic recognizes that, because of the scarcity of the codes, allocating an entire N11 code for the exclusive use of a single information provider would likely exhaust the available codes without accommodating all the information providers that may want them. It proposes that, instead of allocating the codes to individual information providers, the FCC should "set aside two N11 codes for nationwide gateways or similar arrangements."⁷ According to Bell Atlantic, AIN -- a technology Bell Atlantic describes as "available to nearly all of Bell Atlantic's customers by mid-1993" -- could be used to associate calling parties with selected information providers.⁸

Bell Atlantic provides little detail to support its proposal that AIN is a workable solution to the N11 scarcity problem. Absent a showing of technical and economic feasibility, the NTCs cannot support potential solutions based on evolving technologies which are not yet deployed. Furthermore, we believe that the adoption of Bell Atlantic's proposal or any other proposal that is linked to the deployment

⁶ See generally, comments filed by Bell Atlantic.

⁷ Bell Atlantic at 1-2.

⁸ Id. at 1.

of a new technology is premature. We caution the FCC not to require LECs to deploy a particular technology to address the N11 scarcity issue. Such an approach would usurp the network design and deployment prerogatives of LECs and is particularly troublesome when the technology at issue is one which is not yet fully developed, much less fully deployed.⁹

III. ALTERNATIVE DIALING ARRANGEMENTS SHOULD BE CONSIDERED BY AN INDUSTRY FORUM ESTABLISHED TO ADDRESS ABBREVIATED DIALING ARRANGEMENTS AND ALLOCATION ISSUES

Several parties filed proposals in this docket that would involve significant changes to numbering practices and significant changes to network and support systems. For example, AT&T suggests that N11 codes could be used as three-digit NPA (Numbering Plan Area) codes or, on a nationwide basis, as service access codes in a seven-digit dialing format.¹⁰ NYNEX opposes AT&T's proposal because, while it would alleviate the scarcity problems associated with N11 codes, AT&T's approach would require significant changes to existing switch translations and modifications to Operation

⁹ The FCC has specifically recognized not only that AIN is still in its early developmental stages, but also that there is still much uncertainty about the final form AIN will take. Indeed, the FCC has explicitly noted that "different versions of AIN may be deployed by BOCs at different times, based on different market conditions and BOC business plans." In the Matter of Intelligent Networks, CC Docket No. 91-346, FCC No 91-383 (December 6, 1991) at ¶ 7.

¹⁰ AT&T comments at 3. See also comments filed by IIA at 4: "IIA is convinced that whether on the basis of a numbering plan allocation (N11-XXX XXXX) or 'NXX' scheme (N11-XXXX), national numbering is attainable . . ."

Support Systems (OSSs).¹¹ Furthermore, we urge the Commission to be aware of the potential costs and substantial administrative burdens associated with implementing some of the proposed solutions. For example, the presubscription process described by Ad Hoc in its comments will involve the development and implementation of new and/or additional network capabilities. Contrary to Ad Hoc's claim that these capabilities already exist, development will be required and costs incurred.¹²

The Commission must also recognize that any abbreviated dialing capability will require the development and implementation of an underlying network service which is necessary to facilitate that abbreviated dialing capability. In other words, the mere assignment of a code does not provide the underlying network service to utilize the capability. We continue to believe that any dialing pattern offered as an alternative to the N11 proposal should be considered by an industry forum convened to address these issues, including the technical and operational aspects. Finally, we urge the Commission to be aware that substantial costs are likely to be

¹¹ Notably, the FCC explicitly limited the questions under consideration in this docket to issues concerning N11 codes and abbreviated dialing. See Notice at p.4 n.5 (where the FCC stated that a review of other numbering issues will be handled subsequently in a separate proceeding). The proposal described by AT&T would involve a 7-digit dialing sequence that falls outside the scope of the issues under consideration in this docket.

¹² See generally, comments filed by Ad Hoc. Ad Hoc assumes that the 911 scenario is directly analogous to its presubscription proposal. Ad Hoc fails to recognize the need for additional capabilities including presubscription database routing and billing capabilities, not currently associated with 911. Id.

associated with any process that must be established to distribute abbreviated dialing resources. The FCC should be careful to ensure that the costs and burdens associated with the chosen assignment process are borne by the information providers for whom the service is offered.

Respectfully submitted,

New York Telephone Company

and

New England Telephone and
Telegraph Company

By:


Mary McDermott

Jacqueline Nethersole

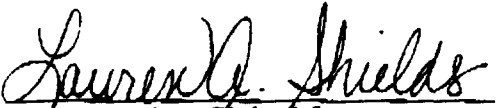
120 Bloomingdale Road
White Plains, NY 10605
914/ 644-5735

Their Attorneys

Dated: July 13, 1992

CERTIFICATE OF SERVICE

I certify that copies of the foregoing REPLY COMMENTS OF THE NYNEX TELEPHONE COMPANIES were served on each of the persons listed on the attached Service List, this 13th day of July, 1992, by first class United States mail, postage prepaid.


Lauren A. Shields

* By hand

Ann E. Henkener
Assistant Attorney General
Public Utilities Section
180 East Broad Street
Columbus, OH 43266-0573

Durward D. Dupre
Richard C. Hartgrove
John Paul Walters, Jr.
Attorneys for Southwestern
Bell Telephone Company
1010 Pine Street
Room 2114
St. Louis, Missouri 63101

Michael S. Varda
Attorney, Telecommunications Div.
Staff of the Public Service
Commission of Wisconsin
477 Hill Farms State Office Bldg.
P.O. Box 7854
Madison, Wisconsin 53707

Michael S. Slomin
Bell Communications Research, Inc.
290 West Mount Pleasant Avenue
Livingston, New Jersey 07039

G. Richard Klein, Commissioner
Indiana Utility Regulatory
Commission
901 State Office Building
Indianapolis, Indiana 46204

James P. Tuthill
Nancy C. Woolf
Attorneys for Pacific Bell
and Nevada Bell
140 New Montgomery St., Room 1523
San Francisco, California 94105

Larry A. Blosser
Donald J. Elardo
MCI TELECOMMUNICATIONS
CORPORATION
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

James L. Wurtz
Attorney for Pacific and
Nevada Bell
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Martin T. McCue
Vice President and
General Counsel
U.S. TELEPHONE ASSOCIATION
900 19th St., NW
Suite 800
Washington, D.C. 20006-2105

Linda D. Hershman
Vice President-External Affairs
Southern New England
Telephone Company
227 Church St.
14th Floor
New Haven, Connecticut 06510

Jay C. Keithley
Leon M Kestenbaum
Sprint Corporation
1850 M. St., N.W., Suite 1110
Washington, D.C. 20036

Paul J. Berman
Municipality of Anchorage d/b/a
Anchorage Telephone Utility
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20044

W. Richard Morris
Sprint Corporation
P.O. Box 11314
Kansas City, Mo. 64112

Central Telephone Company
Carol F. Sulkes
Vice President - Regulatory
Policy
8745 Higgins Road
Chicago, Illinois 60631

Floyd S. Keene
Larry A. Peck
Mark R. Ortlieb
Attorneys for the Ameritech
Operating Companies
2000 W. Ameritech Center Drive
Room 4H82
Hoffman Estates, Ill. 60196-1025

Theodore D. Frank
Vonya B. McCann
Arent, Fox, Kintner, Plotkin
& Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Richard E. Wiley
Michael Yourshaw
Edward A. Yorkgitis Jr.
Newspaper Association of America
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20036

Andrew D. Lipman
Russell M. Blau
Attorneys for Metropolitan Fiber
Systems, Inc.
Swindler & Berlin, Chartered
3000 K Street, N.W.
Washington, D.C. 20007

John F. Sturm
Senior Vice President/
Government, Legal and Policy
Newspaper Association of
America
Dulles International Airport
P.O. Box 17407
Washington, D.C. 20041

R. Michael Senkowski
Jeffrey S. Linder
Attorneys for Mobile
Telecommunications
Technologies Corporation
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Francine J. Berry
Mark C. Rosenblum
Albert M. Lewis
American Telephone and
Telegraph Company
Room 324J1
295 North Maple Avenue
Basking Ridge, NJ 07920-1002

Werner K. Hartenberg
Leonard J. Kennedy
J.G. Harrington
Attorneys for Cox Enterprises, Inc.
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037

Joan M. Griffin
GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

Lawrence E. Sarjeant
Attorney for US West
Communications, Inc.
1020 19th Street, NW
Suite 700
Washington, D.C. 20036

Carol Schultz
MCI Telecommunications
Corporation
1801 Pennsylvania Avenue, NW
Washington, D.C. 20006

Stephen R. Bell
Attorney for
BT North America Inc.
Squire, Sanders Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044

Joseph P. Markowski
David Alan Nall
Information Technology
Association of America
Squire, Sanders & Dempsey
1202 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044

Paul J. Bergman
Daniel S. Goldberg
Attorneys for
Puerto Rico Telephone Authority
Covington & Burling
1201 Pennsylvania Avenue, NW
Post Office Box 7566
Washington, D.C. 20044

William B. Barfield
Thompson T. Rawls II
Attorneys for BellSouth
Corporation and BellSouth
Telecommunications, Inc.
Suite 1800
1155 Peachtree Street, NE
Atlanta Georgia 30367-6000

Angela Burnett
Assistant General Counsel
Information Industry Association
555 New Jersey Avenue, NW
Suite 800
Washington, D.C. 20001

Albert H. Kramer
Robert F. Aldrich
Helen M. Hull
Attorneys for
The American Public
Communications Council
Keck, Mahin & Cate
1201 New York Avenue, NW
Washington, D.C. 20005-3919

Roy L. Kaufmann
General Partner and Agent
for Datatrex
1119 12th Street, NW
Washington, D.C. 20005-4632

Ronald L. Lehr
Attorney for Alternative Weekly
Newspapers, New Times, Inc.,
Sasquatch Publishing, City Pages,
and Tucson Weekly
934 S. Gilpin Street
Denver, CO 80209-4521

John M. Goodman
Charles H. Kennedy
Attorneys for the
Bell Atlantic Telephone
Companies
1710 H Street, NW
Washington, D.C. 20006

David Cosson
L. Marie Guillory
Attorneys for
National Telephone
Cooperative Association
2626 Pennsylvania Avenue, NW
Washington, D.C. 20037

Canadian Steering Committee
210 Laurier Avenue, West
Box 2410
Station D
Ottawa, Ontario K1P6H3

James S. Blaszk
Attorney for AD Hoc
Telecommunications
Users Committee
Gardner, Carton & Douglas
1301 K Street, NW East Tower
Washington, D.C. 20005

Donna R. Searcy *
Secretary of the FCC
Room 222
1919 M Street, NW
Washington, D.C. 20554

Josephine S. Trubek
General Counsel
Rochester Telephone Corporation
180 South Clinton Avenue
Rochester, NY 14646

James D. Schlichting, Chief *
Policy & Program Planning Div.
Federal Communications
Commission
1919 M Street, NW Room 544
Washington, D.C. 20554

Cheryl Tritt, Chief *
Common Carrier Bureau
Federal Communications Commission
1919 M Street, M.W.
Washington, D.C. 20554

Commissioner Sherrie P. Marshall *
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Chairman Alfred Sikes *
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Commissioner Andrew C. Barrett *
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Commissioner Ervin S. Duggan *
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Commissioner James H. Quello *
Federal Communications Commission
1919 M Street
Washington, D.C. 20554